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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

GRACE LAU, CHRISTOPHER
KARWOWSKI, MELODY KLEIN,
MICHAEL MCBRIDE, and AIMEN
HALIM, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

GEN DIGITAL INC. a corporation, and
JUMPSHOT INC., a corporation,

Defendants.

CASE NO. 3:22-cv-08981-RFL

**PLAINTIFFS' OBJECTIONS TO
DECLARATION OF ISKANDER
SANCHEZ ROLA IN SUPPORT OF
MOTION TO COMPEL
COMPLIANCE WITH SUBPOENAS
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 45**

Assigned to Hon. Rita F. Lin
Courtroom 15

1 Plaintiffs Grace Lau, Christopher Karwowski, Melody Klein, Michael McBride and
 2 Aimen Halim (the “Plaintiffs”) hereby object to the Declaration of Iskander Sanchez Rola
 3 in Opposition to Plaintiffs’ Motion to Compel Compliance With Subpoenas Pursuant to
 4 Federal Rule of Civil Procedure 45.

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EVIDENCE	PLAINTIFFS’ OBJECTIONS
<p>7 Paragraph 10: This is not a valid 8 inference. It is commonplace for the 9 domain parameter to be specified for a 10 cookie, so as to include subdomains of the 11 specified domain. This is because websites 12 frequently encompass multiple subdomains 13 and some cookies may need to function 14 across those subdomains. For example, 15 Avast’s website spans a number of 16 subdomains, such as forum.avast.com, 17 store.avast.com, and blog.avast.com, and 18 some cookies are needed to work across 19 those various domains. Defining the 20 domain parameter for the cookies as 21 “avast.com” helps to accomplish this. The 22 fact that the cookies may also be sent to the 23 URLite Service—which operates on the 24 avast.com domain but is not part of 25 Avast’s website—is a byproduct of this 26 setting. But there is no reason to conclude 27 that it is an intended consequence. And in</p>	<p>7 Paragraph 10: Objection as irrelevant 8 where declarant only claims that “some 9 cookies” need to work across Avast’s 10 various domains. Declarant does not claim 11 that all of the cookies for which Defendant 12 set the domain attribute as avast.com are 13 needed to work across Avast’s various 14 domains.</p> <p>15 Objection on the grounds that declarant 16 lacks foundation where the declaration 17 does not identify any such cookies that 18 “are needed to work across [Avast’s] 19 various domains.”</p> <p>20 Objection on the grounds that declarant 21 lacks foundation where this paragraph fails 22 to describe why the language preference 23 setting cookie discussed in paragraph 24 12.b., which was shown in the Declaration 25 of Atif Hashmi, Dkt. 97-2, Figure 3, would 26 not need to work across Avast.com 27 subdomains.</p>

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1 any event this consequence is insignificant 2 if the URLite Service does not do anything 3 with any cookies that might be appended to 4 traffic that is sent to it.	
5 Paragraph 11: Second, the Hashmi 6 Declaration also suggests that the cookies 7 used by Avast have been “reconfigured” 8 recently so that they no longer specify the 9 domain parameter and therefore are “no 10 longer sent to ... Avast’s subdomains, 11 including urlite.ff.avast.com.” <i>Id.</i> ¶ 10. 12 The proof asserted for this is a comparison 13 of a cookie that Mr. Hashmi observed 14 Avast setting on his browser in May 2024 15 versus a cookie that he observed Avast 16 setting on his browser in August 2024: 17 The first cookie included a defined domain 18 parameter whereas the second did not. <i>See</i> 19 <i>id.</i> ¶¶ 8-10. However, the two cookies 20 referenced are entirely different cookies, as 21 can be seen from the screenshots of the 22 two cookies Mr. Hashmi provides—which 23 contain entirely different data. <i>Compare</i> 24 Hashmi Decl. Fig. 2 <i>with id.</i> Fig. 3. The 25 fact that the domain parameter is specified 26 in one cookie but not the other only 27 indicates that some cookies used by Avast	Paragraph 11: Objection on the grounds that declarant lacks foundation in his role as Director of Innovation to testify directly about whether the domain parameter has changed. The declaration does not expound on declarant’s roles and responsibilities as Director of Innovation for Defendant, and does not explain whether the Director of Innovation for Defendant has any insight into or control over Avast’s code that sets domain parameters.

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1 need to work across the various
2 subdomains constituting the Avast website,
3 and some do not. The difference in the
4 two cookies does not indicate that there has
5 been any recent change in Avast's
6 practices.

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8 DATED: September 9, 2024

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By:



Ekwan E. Rhow

14 Attorneys for Plaintiffs

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PROOF OF SERVICE

Lau, et al. v. Gen Digital Inc., et al.
Case No. 3:22-cv-08981-RFL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1875 Century Park East, 23rd Floor, Los Angeles, CA 90067-2561.

On September 9, 2024, I served the following document(s) described as **PLAINTIFFS' OBJECTIONS TO DECLARATION OF ISKANDER SANCHEZ ROLA IN SUPPORT OF MOTION TO COMPEL COMPLIANCE WITH SUBPOENAS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused the document(s) to be sent from e-mail address jhan-dressor@birdmarella.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 9, 2024, at Los Angeles, California.

Yannick Lardresser

Joannie U. Han-Dressor

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SERVICE LIST
Lau, et al. v. Gen Digital Inc., et al.
Case No. 3:22-cv-08981-RFL

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